

ELECTRONICALLY FILED

PATENT APPLICATION
Docket No. 13768.473

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Luis Felipe Cabrera, et al.)
)
Serial No.:	10/763,553) Art Unit
) 2452
Filed:	January 23, 2004)
)
Conf. No.:	7511)
)
For:	MECHANISM FOR ENSURING PROCESSING)
	OF MESSAGES RECEIVED WHILE IN)
	RECOVERY MODE)
)
Examiner:	Thomas J. Dailey)
)
Customer No.:	47973)

PETITION FOR ONE (1) MONTH EXTENSION OF TIME

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On June 30, 2009, Applicant submitted Amendment "D" and Response along with: (a) Terminal Disclaimer; (b) fees in the amount of \$270.00 for the cost of the terminal disclaimer and a one (1) month extension of time; and (c) a transmittal letter. As noted in the transmittal letter, Applicant intended on submitting a written Petition for One (1) Month Extension of Time; however, that written petition was inadvertently omitted from the electronic filing. Nevertheless, the transmittal letter itself indicated the \$130.00 fee was paid for a one (1) month extension, and

also requested that the transmittal letter itself be considered a petition for any appropriate extension of time.

As stated in 37 C.F.R. § 1.136(a)(3), an authorization to charge all required fees under 37 C.F.R. § 1.17 and mere submission of the fee for an extension of time are each to be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time for its timely submission. Accordingly, inasmuch as Applicant both authorized charging required fees under 37 C.F.R. § 1.17 and paid the relevant extension of time fee concurrently with the submission of Amendment “D”, Applicant submits that a Petition for a One (1) Month Extension of Time was at least constructively requested at the time Amendment “D” was filed. Accordingly, no additional petition for extension of time should be necessary.

Nevertheless, to make the record complete, this Petition is also submitted to provide the written request in support of the constructively requested extension of time. Specifically, pursuant to 37 C.F.R. § 1.136(a), it has been, and is, respectfully requested that the shortened statutory period which was set for responding to the Office Action dated March 3, 2009 (paper no. 20090226), be extended for one (1) month until July 3, 2009.

Payment in the amount of \$130.00 using the Credit Card payment option in E-Filer with RAM was submitted on June 30, 2009 to cover the payment of the fees with respect to the One (1) Month Extension of Time.

To the extent that any additional extension of time is necessary to render Amendment “D” timely filed, or to the extent any future reply requires a petition for extension of time for timely submission, the Commissioner is hereby authorized to charge any fee under 37 C.F.R. § 1.17 (including fees for extensions of time) or to credit any overpayment to Deposit Account No. 23-3178

Dated this 15th day of July, 2009.

Respectfully submitted,

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